

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS & AMENDMENTS

Claims 6-10 and 16-21 were pending in this application when last examined.

Claims 6-10 and 16-21 were examined, and stand rejected.

Claims 6 and 9-10 are amended. Claim 6 is amended to recite the limitation of claim 7 and to delete the term “prophylaxis”. Claims 9 and 10 are amended to conform with the amendment to claim 6 and to correct minor informalities.

Claims 7 and 16-21 are newly cancelled without prejudice or disclaimer thereto. Claims 1-5 and 11-15 were previously cancelled. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 6 and 8-10 are pending in this application upon entry of this amendment.

No new matter has been added by this amendment.

II. INFORMATION DISCLOSURE STATEMENT

Applicants note that many of the references in the January 11, 2005 PTO-1449 Form were not initialed by the Examiner. Applicants' representative had contacted the Examiner by telephone and the Examiner kindly noted that such references were not of record. Applicants further note that such references were not provided by the International Bureau as was expected. Therefore, attached to this reply is a copy of the January 11, 2005 PTO-1449 Form as well as each of the references not of record. Applicants respectfully request the Examiner to kindly consider the attached references and return an initialed copy of the January 11, 2005 PTO-1449 Form with the next Office Action.

III. SCOPE OF ENABLEMENT REJECTION

On pages 2-4 of the Office Action, claims 6-10 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the treatment of drug-induced neuropathy, does not reasonably provide enablement for the prophylaxis of drug-induced neuropathy.

The present amendment deletes the term “prophylaxis” in order to expedite allowance. Therefore, this rejection is moot.

IV. ANTICIPATION AND OBVIOUSNESS REJECTIONS

On pages 5 and 6 of the Office Action, claims 6-10 and 16-20 were rejected under 35 U.S.C. § 102(b) as anticipated by Foguet et al. (WO 01/72288).

Applicants respectfully traverse this rejection, as applied to the remaining amended claims.

Foguet et al. is directed toward the use of CDP-choline for the preparation of a medicinal product for the treatment of alcohol withdrawal syndrome.

Studies comparing brains from healthy subjects with those from alcoholic patients show that pyramidal neuronal basal dendrites in the upper cerebral cortex and motor cortex of alcoholic patients have less branching. Further, studies have shown that chronic alcohol abuse impairs dopamine receptor sensitivity. Please see pages 1-2 of Foguet et al. Also, as evident from the enclosed Reference (the MERCK MANUAL, pages 1551-1555), alcohol withdrawal syndrome involves the central nervous system (for example, tolerance is caused by adaptational changes of central nervous system cells).

Thus, Foguet et al. discloses use of CDP-choline for the treatment of neuropathy derived from the central nervous system. In contrast, the invention of the amended claims is directed towards treatment of drug-induced peripheral neuropathy with CDP-choline. Therefore,

Applicants respectfully submit that Foguet et al. fails to teach the treatment of peripheral neuropathy.

Further, claim 9 is directed towards treatment of drug-induced peripheral neuropathy wherein the neuropathy is induced by specified pharmaceutical products. It is noted that the Examiner has failed to present a *prima facie* case showing that all the elements of claim 9 are taught by Foguet et al.

In view of the above, Applicants suggest that this rejection, as applied to the remaining amended claims, is untenable and should be withdrawn.

On pages 6 and 7 of the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Foguet et al. in view of Remington ("The Science and Practice of Pharmacy, Nineteenth Edition, vol. 1, 1985, page 806). This claim is cancelled and therefore this rejection is moot.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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ATTACHMENTS:

1. Robert Berhow, M.D., "The Merck Manual of Diagnosis and Therapy", Sixteenth Edition, 1992, pages 1551-1555.
2. Copy of PTO-1449 Form dated January 11, 2005 and 5 (five) references.